

# Court of Appeals, Division One

## Civil Appeal

**1 CA-CV 15-0420**

**PASSMORE v. MCCARVER et al.**

### Appellate Case Information

Case Filed: 25-Jun-2015

Case Closed:

### Dept/Composition

#### Department D

Hon. Peter B Swann  
Hon. Patricia A Orozco  
Hon. Michael J Brown

### Side 1. NOREEN PASSMORE and CLIFFORD PASSMORE, a married couple, Plaintiff/Appellant

(Litigant Group) NOREEN PASSMORE et al.

- Noreen Passmore
- Clifford Passmore

#### Attorneys for: Plaintiffs/Appellants

Laurence M Berlin, Esq. (AZ Bar No. 6558)

### Side 2. JAMES W. MCCARVER, M.D. and PATRICIA MCCARVER, a married couple; PRESCOTT VALLEY PRIMARY AND URGENT CARE CLINIC, an Arizona business entity; ELLEN LORENZ, C.F.N.P., and RODNEY LORENZ, a married couple, Defendant/Appellee

(Litigant Group) JAMES W MCCARVER et al.

- James W McCarver
- Patricia McCarver
- Prescott Valley Primary and Urgent Care Clinic

#### Co-Counsel for: Defendants/Appellees

Renee M Coury, Esq. (AZ Bar No. 16046)  
Jeffrey McLerran, Esq. (AZ Bar No. 25624)  
Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)

(Litigant Group) ELLEN LORENZ et al.

- Ellen Lorenz
- Rodney Lorenz

#### Attorneys for: Defendants/Appellees Lorenz

James R Broening, Esq. (AZ Bar No. 4036)  
Megan E Gailey, Esq. (AZ Bar No. 23648)  
Kevin R Myer, Esq. (AZ Bar No. 19919)

### CASE STATUS

Dec 30, 2016....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CV201401138	Medical Malpractice		David L Mackey, Authoring Judge of Order		

### 5 OPEN DUE DATES

**Motion for Reconsideration due** **Due By:** Tuesday, January 17, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur

**Response to Costs due** **Due By:** Monday, January 23, 2017

Re: FILED: Statement of Costs; Certificate of Service (Appellee)

**Response to Costs due** **Due By:** Monday, January 23, 2017

Re: FILED: Statement of Costs; Certificate of Service (Appellee)

**Petition for Review to ASC due** **Due By:** Monday, January 30, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur

**Response to Motion due** **Due By:** Monday, January 30, 2017

Re: FILED: Appellees' Joinder to Request to Publish Memorandum Decision; Certificate of Service (Appellee Lorenz)

### 3 PENDING MATTERS

**General Motion** Filed: 30-Dec-2016  
Statement of Costs (Appellee)

**General Motion** Filed: 3-Jan-2017  
Statement of Costs (Appellee)

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 15-0420**

**PASSMORE v. MCCARVER et al.**

**3 PENDING MATTERS**

**General Motion**

Filed: 13-Jan-2017

*Appellees' Joinder to Request to Publish Memorandum Decision (Appellee)*

**CASE DECISION**

**30-Dec-2016 MEMORANDUM DECISION**

**Peter Swann**.....Author  
**Andrew Gould**.....Concur  
**Patricia Orozco**.....Concur

Filed: **30-Dec-2016**

Mandate:

Decision Disposition

***Affirmed***

**43 PROCEEDING ENTRIES**

1. 25-Jun-2015 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 05/20/15
2. 25-Jun-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 2-Jul-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 10-Jul-2015 FILED: Notice of Association of Counsel; Certificate of Service (Appellees McCarver, et al.)
5. 14-Jul-2015 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellant)
6. 15-Jul-2015 RECEIPT No.: 2015-00973 ; \$140.00, Authorization: #95015108465, Applied to: JAMES W MCCARVER et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By Integrated Resource Systems IN
7. 17-Jul-2015 RECEIPT No.: 2015-00984 ; \$280.00, Authorization: #97019244243, Applied to: NOREEN PASSMORE et al. - Class A Filing Fee (\$280.00) Paid for: Laurence M Berlin Esq - By Integrated Resource Systems IN
8. 21-Jul-2015 FILED: Case Management Statement; Minute Entry of April 27, 2015; Judgment of Dismissal With Prejudice of June 23, 2015 (Appellant)
9. 22-Jul-2015 FILED: Notice of Payment of Filing Fee; Certificate Of Service Re Notice Of Payment Of Filing Fee (Appellee Lorenz)
10. 27-Jul-2015 RECEIPT No.: 2015-01032 ; \$140.00, Authorization: #8002018783, Applied to: ELLEN LORENZ et al. - Class B Filing Fee (\$140.00) Paid for: Broening Oberg Woods & Wilson PC - By Integrated Resource Systems IN
11. 5-Aug-2015 FILED: Notice of Service (Of Transcript); Certificate of Service (Appellant)
12. 14-Aug-2015 FILED: Notice of Filing (Original certified transcript) (Appellants)
13. 14-Aug-2015 FILED: Reporters Transcript of Proceedings 4/27/15 (Oral Argument) (Lisa A Chaney) (Appellants)
14. 1-Sep-2015 FILED: Opening Brief of Plaintiffs/Appellants Passmore; Certificate of Compliance; Certificate of Service; Appendix to Opening Brief
15. 2-Oct-2015 FILED: Appellees' Request to Extend Filing Deadline for Answering Brief (Lorenz); Certificate of Service (Appellee)
16. 5-Oct-2015 FILED: Request for Extension of Time to File Answering Brief (MaCarver); Certificate of Service (Appellee)
17. 5-Oct-2015 ORDERED: Appellees' Request to Extend Filing Deadline for Answering Brief (Lorenz) (Appellee) = GRANTED. All Answering Brief due dates EXTENDED to Wednesday, 11-18-2015 Melina Brill ProTem Judge - Author
18. 6-Oct-2015 ORDERED: Denying Motion for Extension of Time to file Answering Brief as moot. Melina Brill ProTem Judge - Author
19. 13-Nov-2015 FILED: Stipulation to Extend Filing Deadline for Appellees Lorenz' Answering Brief Due to Extraordinary Circumstances; Certificate of Service Stipulation to Extend Filing Deadline for Appellees Lorenz' Answering Brief Due to Extraordinary Circumstances (Appellee)
20. 13-Nov-2015 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellees McCarver, et al.)
21. 13-Nov-2015 FILED: Appendix to Answering Brief (Appellee)

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22. 16-Nov-2015 ORDERED: Stipulation to Extend Filing Deadline for Appellees Lorenz' Answering Brief Due to Extraordinary Circumstances (Appellees) = GRANTED. Due date EXTENDED from Wednesday, 11-18-2015 to Friday, 12-18-2015. FURTHER ORDERED: Reply brief shall be due within 20 days after service of Lorenzs' answering brief. Melina Brill ProTem Judge - Author
23. 7-Dec-2015 FILED: Procedural Motion re: Time to File Reply; Certificate of Service (Appellant)
24. 18-Dec-2015 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellees Lorenz et al.)
25. 7-Jan-2016 FILED: Motion to Exetnd Time for Appellants' Reply Brief; Certificate of Service (Appellant)
26. 8-Jan-2016 ORDERED: Extending the time to file a consolidated Reply Brief to/including 1/22/16. Melina Brill ProTem Judge - Author
27. 22-Jan-2016 FILED: Consolidated Reply Brief of Appellants Passmore; Certificate of Compliance; Certificate of Service
28. 29-Jan-2016 FILED: Appellees' Request for Oral Argument; Certificate of Service (Appellee)
29. 17-Feb-2016 ORDERED: Appellees' Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
30. 28-Mar-2016 FILED: Notice of Change of Firm Address; Certificate of Service (Appellee)
31. 29-Aug-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 10-26-16, 09:30 am, COURTROOM 2.
32. 6-Sep-2016 FILED: Notice of Oral Argument
33. 7-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Eileen Dennis Gilbride on 09/06/2016 (Appellees)
34. 13-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Kevin R Myer on 09/09/2016 (Appellee)
35. 19-Oct-2016 FILED: Receipt for Notice of Oral Argument, signed by Laurence M Berlin on 09/07/2016 (Appellant)
36. 26-Oct-2016 FILED: Sign-in Sheet/Case is Under Advisement as of 10/26/2016 (Dept D)
37. 30-Dec-2016 FILED: Statement of Costs; Certificate of Service (Appellee)
38. 30-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur
39. 30-Dec-2016 FILED: Memorandum Decision Distribution List
40. 3-Jan-2017 FILED: Statement of Costs; Certificate of Service (Appellee)
41. 10-Jan-2017 FILED: Request to Publish Memorandum Decision; Certificate of Service (Appellee)
42. 13-Jan-2017 FILED: Appellees' Joinder to Request to Publish Memorandum Decision; Certificate of Service (Appellee Lorenz)
43. 26-Jan-2017 FILED: Memorandum: Judge Brown for Judge Gould (Chief Judge Brown)